

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021**

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HOUSE BILL 547

Short Title: Use Law Enf. Decert Index/Clarify APA. (Public)

Sponsors: Representatives Szoka, K. Baker, and Hunter (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Judiciary 2, if favorable, Rules, Calendar, and Operations of the House

April 14, 2021

A BILL TO BE ENTITLED
AN ACT TO ESTABLISH A REQUIREMENT FOR THE NORTH CAROLINA CRIMINAL
JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION AND THE
NORTH CAROLINA SHERIFFS' EDUCATION AND TRAINING STANDARDS
COMMISSION TO UTILIZE THE NATIONAL DECERTIFICATION INDEX
MAINTAINED BY THE INTERNATIONAL ASSOCIATION OF DIRECTORS OF LAW
ENFORCEMENT STANDARDS AND TRAINING IN THE CERTIFICATION PROCESS
FOR CERTIFIED PERSONNEL AND TO CLARIFY THE ADMINISTRATIVE
PROCEDURE APPLICABLE TO THOSE COMMISSIONS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 17C-6(a) reads as rewritten:

"(a) In addition to powers conferred upon the Commission elsewhere in this Article, the Commission shall have the following powers, which shall be enforceable through its rules and regulations, certification procedures, or the provisions of G.S. 17C-10:

...

(21) Search the National Decertification Index (NDI) maintained by the International Association of Directors of Law Enforcement Standards and Training (IADLEST) using the name of every applicant for certification or applicant for lateral transfer, and any other personal identifying information necessary to complete the search, and shall utilize any record of conviction of a criminal offense received as a result of the search during the application and lateral transfer process to determine if the applicant has any record that would disqualify the applicant for certification."

SECTION 2. G.S. 17E-4(a) reads as rewritten:

"(a) The Commission shall have the following powers, duties, and responsibilities, which are enforceable through its rules and regulations, certification procedures, or the provisions of G.S. 17E-8 and G.S. 17E-9:

...

(17) Search the National Decertification Index (NDI) maintained by the International Association of Directors of Law Enforcement Standards and Training (IADLEST) using the name of every applicant for certification or applicant for lateral transfer, and any other personal identifying information necessary to complete the search, and shall utilize any record of conviction of a criminal offense received as a result of the search during the application and



1 lateral transfer process to determine if the applicant has any record that would
2 disqualify the applicant for certification.

3 "

4 **SECTION 3.** G.S. 150B-38 is amended by adding a new subsection to read:

5 "(a1) The provisions of this Article do not apply to the North Carolina Criminal Justice
6 Education and Training Standards Commission and the North Carolina Sheriffs' Education and
7 Training Standards Commission."

8 **SECTION 4.** Sections 1 and 2 of this act become effective October 1, 2021, and
9 apply to applications for certification submitted on or after that date. Section 3 of this act becomes
10 effective October 1, 2021, and applies to any contested case arising on or after that date. The
11 remainder of this act is effective when it becomes law.